Chapter VII

Protection of Minors from Harmful Internet Content

Geoffrey A. Sandy
Victoria University, Australia

Abstract

The Internet provides access to speech both conventional and unconventional. Some speech is considered harmful to minors. This chapter discusses the important social issue of how to best protect minors from such speech without violating the free speech rights of adults. It examines the Australian experience, one that has relevance to other relatively open societies like those found in North America and Europe. It concludes that the Australian regulatory framework has limited success in protecting minors from harmful Internet content and it risks compromising the free rights of adults.
Introduction

This chapter discusses the important social issue of how to best protect minors from harmful Internet content without violation of the free speech rights of adults (and minors). It examines the Australian experience, one that has relevance to other relatively open societies like those found in North America and Western Europe. Recently, interest was re-awakened on this important social and ethical issue with the publication by The Australian Institute study on youth exposure to sexual material on the Internet (Flood & Hamilton, 2003). It reported on a Newspoll telephone survey of 200 16-17 year olds, the ease of access, and the frequency of unwanted and wanted exposure to pornography based on gender.

In this chapter the Australian regulatory framework for the Internet is first described. Then the key questions concerning the protection of minors from harmful Internet content are discussed. Next the controversies and problems, together with their recommended solutions (protection strategies), are discussed. Finally, the main issues are restated and conclusions drawn with reference to the Australian experience. Note the term minors and children are used interchangeably throughout. Also note the abbreviations used throughout are COA (Commonwealth of Australia), CSIRO (Commonwealth Scientific and Industrial Organisation), EFA (Electronic Frontier Australia), OLFC (Office of Film and Literature Classification), HH (House Hansard), SH (Senate Hansard) and SSC (Senate Select Committee on Information Technology).

In order to address these matters a literature review was conducted and a detailed analysis of primary source documents was undertaken. The literature review concentrated on Australian sources but also included other countries, especially the United States. The most important primary source documents analysed were:

- Official Committee Hansards of the federal and state government hearings of submissions concerning the relevant bills.
- The House and Senate Hansard (and the state/territory equivalents) of the bills to regulate the Internet.
- The bills of the federal and state/territory parliaments to regulate the Internet.
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